

BEAVERTON POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 9.13.00
SUBJECT: JUVENILE OFFENDERS
EFFECTIVE: AUGUST 2, 2002
REVIEW: AUGUST 2003, 2004, 2005, 2006, 2007

1. PURPOSE. The purpose of this policy is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.
2. POLICY. It is the responsibility of all members of this department to know and support the department's established procedures for handling both criminal and noncriminal juvenile incidents as defined in this policy. Officers shall, whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community. When an officer becomes involved with a juvenile who has committed a criminal act or a violation, the officer is expected to use the least coercive, reasonable alternative consistent with preserving public safety and order, in dealing with the juvenile offender.
3. RESPONDING TO JUVENILE OFFENDERS. An officer has four general alternatives from which to choose when dealing with a juvenile. These are:
 - A. The verbal warning for minor offenses;
 - B. Divert the offender to a social service agency, if the contact does not constitute criminal behavior;
 - C. Take the juvenile into temporary custody. In this event the officer will write a referral to the Juvenile Department. That agency may choose to handle the situation in a counseling environment, refer the case to the juvenile court system, or attempt to remand the juvenile to the adult court system; or,
 - D. Refer the juvenile to the Beaverton Youth Peer Court.
4. DIVERSION. When deciding to divert a juvenile away from the Juvenile Department intake system, the officer should base this decision on valid considerations. Valid factors that may enter into the officer's decision to bypass the Juvenile Department are:

- A. The Nature of the Alleged Offenses. Minor misdemeanors and violations may be diverted from the Juvenile Department by using a verbal warning. If exceptional circumstances exist, runaways and liquor law violators should be referred to the Juvenile Department, or to Beaverton Youth Peer Court if the offense or juvenile qualifies. These violations often indicate an underlying problem for which the juvenile may need counseling programs and supervision. Delinquent acts requiring referral to the Juvenile Department, regardless of the age of the juvenile, include all such acts that, if committed by an adult, would be felonies; all delinquent acts involving weapons; all serious gang-related delinquent acts; all delinquent acts involving aggravated assault and battery; all delinquent acts committed by juveniles on probation or parole or by those with a case pending; and all repeated delinquent acts within the preceding 12 months.
 - B. The alleged offender's record, if known.
 - C. The availability of community based rehabilitation programs.
5. PROTECTIVE CUSTODY AND RELEASE OF A JUVENILE.
- A. An officer may take a juvenile into protective custody in the following circumstances:
 - 1) Where, if the juvenile were an adult, the juvenile could be arrested without a warrant;
 - 2) Where the juvenile's condition or surroundings reasonably appear to be such as to jeopardize the juvenile's welfare;
 - 3) Where the Juvenile Court, by order endorsed on the summons as provided in ORS or otherwise, has ordered that the juvenile be taken into temporary custody;
 - 4) When a warrant has been issued by a juvenile court judge for the arrest of a juvenile; or,
 - 5) Where an order for custody has been issued by the superintendent of a juvenile training school under ORS.
 - B. Once an officer has taken a juvenile into custody, the juvenile should be taken, when possible, to the agency or juvenile facility without delay unless medical treatment is required. The officer shall attempt to notify the juvenile's parent, guardian, or other person responsible for the juvenile of the custody situation.

- C. A juvenile may be detained at the police department for a period up to FIVE HOURS for purposes of determining identity. The Washington County Juvenile Department must be consulted when problems of identity, of persons to take physical responsibility of the juvenile in custody, occur. If, at the end of the five-hour period, no reasonable disposition has been arranged and NO OTHER OPTION under the law is available, then the juvenile may be released on his/her own recognizance. (Refer to Juvenile Code). Under no circumstances shall a juvenile be detained beyond 24 hours from the initial time of custody without a temporary hold release plan.
- D. In lieu of taking a juvenile into protective custody, an officer may issue a "Citation to Appear" to the juvenile for the same offenses and under the same circumstances that a "Citation to Appear" may be issued to an adult. The citation should indicate that the juvenile is cited into the Juvenile Department at a time "TO BE ARRANGED." That department will make the arrangements. In all cases, a parent or guardian should be notified of the incident prior to release or at the earliest convenience.
- E. If a juvenile is taken into protective custody, the officer shall attempt to notify the parent, guardian, or other responsible person of the custody as soon as possible. In most cases the juvenile shall be released to the custody of the juvenile's parent or other responsible person in this state, except:
 - 1) Where the court has issued a warrant of arrest against the juvenile; or
 - 2) Where the officer has probable cause to believe that the welfare of the juvenile or others may be immediately endangered by the release of the juvenile.
- F. If an officer does not wish to release the juvenile because of concerns for the welfare of the juvenile or others, the officer must contact the Juvenile Department or its representatives who will determine if the circumstances warrant continued custody of the juvenile. (ORS sets forth the conditions under which a juvenile may be held in detention.)
- G. If the juvenile will be lodged in juvenile detention or in a shelter care facility, the Juvenile Department representative will make arrangements and notifications.
- H. When an officer lodges a juvenile in either Juvenile Detention or a shelter care facility, the incident report must be done prior to the officer going off duty, and the report forwarded to the Juvenile Department prior to the start of the next business day.
- I. A custody report will be completed, including the pertinent circumstances of the incident or custody, and a copy will be delivered to the person in charge of the detention center.
- J. All juveniles arrested for traffic or game violations will be prosecuted as adults, unless otherwise notified by the juvenile court.
- K. Only juveniles, 12 years old or older, taken into custody for criminal offenses, or are awaiting transport by juvenile detention, will be placed into a temporary holding cell.

They shall be kept out of sight and sound, and physically separate from adult prisoners, and from other juveniles of a different gender.

6. INTERVIEWS OF JUVENILES. When a juvenile has been taken into custody for a crime, the officer will advise the juvenile of agency and juvenile system procedures and constitutional rights as required by the Miranda decision prior to conducting any interviews, and:

- A. The juvenile may confer with parents or guardian at the juvenile's request or if the officer believes that it would be in the best interest of the investigation.
- B. No more than two officers shall be directly involved in the interrogation at any one time. (The mere presence of three or more officers in a field situation is not prohibited, but when practical, the number of officers shall not exceed the number necessary to control the situation at hand.)
- C. Interrogations should not last longer than is necessary to gain adequate information on the matter being investigated and to identify the juvenile. The officer shall assess the situation with the following factors considered before continuing a lengthy interview:
 - 1) Age of the juvenile,
 - 2) Maturity of the juvenile,
 - 3) Location of the interview, and
 - 4) Gravity of the offense.
- D. Juveniles shall be allowed breaks for personal necessities such as access to the restroom.
- E. In order to minimize disruption at school and cooperate with school officials, members who interview or arrest a student in school are expected to cooperate with school authorities and the student's parents, and comply with procedures established by the school district involved.

7. PHOTOGRAPHING AND FINGERPRINTING JUVENILES.

- A. ORS 419A.250 establishes the state law guidelines on the topic of Fingerprinting and Photographing, "Authority; segregation of records; access; when records may be kept with those of adults; destruction of records; missing children." A child or youth may be photographed or fingerprinted by a law enforcement agency:
 - 1) Pursuant to a search warrant.
 - 2) Upon remand to an adult court.

- 3) Upon consent of both the child and parent after being advised that they are not required to give consent.
 - 4) Upon consent of parent alone if child is under 10 years of age, and original photographs and fingerprints are delivered to the parent.
 - 5) Upon order of the court.
- B. When a juvenile is taken into custody under ORS 419C.080, the officer shall photograph and fingerprint the juvenile.
- C. Fingerprint and photograph files or records of juveniles shall be kept separate from adults.
- D. Fingerprint and photograph files or records of juveniles shall be disclosed only to the following:
- 1) Public agencies for use in a criminal investigation only when the information is pertinent to a specific investigation.
 - 2) The Juvenile Department and juvenile court.
 - 3) Caseworkers and counselors responsible for the care of such juvenile.
 - 4) The parties to the proceeding and their counsel.
 - 5) The victim or a witness of an act described under ORS 419C.005.
- E. Fingerprint and photograph files or records of juveniles shall be sent to a central state depository same as adult files and records.
- F. Fingerprint and photograph files and records of a juvenile shall be destroyed when the juvenile court orders expunction of record.
- G. The parent or guardian of a missing juvenile may submit a fingerprint card and photograph to a Beaverton Police Department officer at the time the missing person report is filed. The fingerprint card may then be submitted to OSP, LEDS, and AFIS.
8. TRAFFIC VIOLATIONS OF JUVENILE OFFENDERS. Juveniles charged with traffic or game violations shall be arrested or issued a citation generally in the same manner as an adult, but with the exceptions indicated in the procedure below.
- A. All juvenile traffic offenders, regardless of age, shall be cited into Municipal Court in the same manner as adults under the authority of a Washington County Circuit Court blanket remand order.

B. If a juvenile is 16 years old or older, and is charged with Reckless Driving, Driving Under the Influence of Intoxicants (DUII), Leaving the Scene of an Accident (Hit and Run), Driving While Suspended (DWS), or Attempting to Elude a Police Officer, the arresting officer shall:

- 1) Issue a citation for the charge;
- 2) Complete a custody report; and,
- 3) Either release the juvenile to a parent or guardian, or lodge the juvenile in accordance with custody policy.

Chief of Police

Date